

Sen. Hansen

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Senate Labor, Elections  
& Urban Affairs

## **TESTIMONY**

**Senate Bill 462**

**Labor, Elections & Urban Affairs**

**2/27/08**

Mr. Chairman and members of the committee, thank you for allowing us to testify in support of Senate Bill 462 which would require law enforcement officers to undergo psychological testing before being hired.

We're all aware of the terrible tragedy that occurred in Crandon late last year. In addition to the terrible loss of life and pain that was caused by those senseless shootings, sadder still was the fact that it was an off-duty officer who was responsible.

Some have argued that this bill is a knee-jerk reaction and that even if this bill were law it still wouldn't have prevented the loss of life that occurred.

I'm concerned by those types of comments. We met with the families in Crandon and the amount of grief and pain is hard to comprehend. It's compounded by the very real fact that in the end there is little we can do to prevent someone who is bent on killing from doing so. But the families are right in wanting us to do

what we can to minimize the chance of other families suffering the loss they've had to endure.

This bill was not a knee-jerk reaction, but a carefully crafted bill to bring our law enforcement personnel up to the highest standards, both physically and mentally—to make sure that every officer we hire is up to the challenge and the stress that comes from being asked to do such a difficult and dangerous job.

It shouldn't matter if you live in Milwaukee or Monroe, Green Bay or Green Lake—you should have the comfort of knowing that whoever has been hired to protect you is the best possible person for the job—that they are of the highest caliber both physically and mentally.

Throughout this process we have not said that this bill would have prevented their loss. And we cannot guarantee that such a tragedy won't happen again.

But those we trust with the power and decision over life and death to enforce our laws should be the best candidates possible. They should have the necessary physical attributes needed to safely address the varied and sometimes complex situations to which

they are asked to respond---and they should have the necessary mental attributes as well.

When I've spoken to officers about our bill the response I got was one of support. These officers know that not only are the lives of innocent people in their hands and the hands of their partners, but their lives are, too.

I think that's why so many local and county law enforcement agencies already require some form of psychological testing. Of the 46 counties that responded to a recent survey, 41 of them require it. They do so, I think, because ultimately they know that by testing improves the safety for their officers, their communities and reduces potential liability because if questions arise they can say they have taken all existing measures to make sure only the best officers have been hired.

As many of you know I've been fighting to raise our standards of care for mental illness. We may not agree on how to achieve that, but I think we can all agree that mental illness is very real and very serious. It can manifest itself in countless ways and it can and does affect loved ones, friends and neighbors—and yes even police officers.

I introduced the senate companion to Rep. Hraychuck's and Rep. Bies' legislation because I'm deeply concerned that the stress of what we require of our law enforcement officers can exacerbate these types of illnesses in individuals who might already be predisposed to them. I believe it is necessary to do what we can to make sure the people we are hiring can handle their duties in a way that is safe for them, safe for their partners and safe for the public.

One of the ways to do that is to address these issues during the hiring process and use what tools we have available to make hiring decisions based upon the best knowledge we have of each candidate's mental health and ability to perform their duties.

After meeting with the families and representatives of law enforcement it was apparent that there were a number of concerns that needed to be addressed.

Finally, the families suggested changes they would like to see. Included in their suggestions was to set a minimum age limit for becoming an officer and that testing be required for officers who

are promoted to special tactical units because of the likelihood that officers in these units would be in more stressful situations.

Representatives from law enforcement made a convincing case that maturity and mental strength are not bound by age. That there are many young people who can rise to the challenge and that age is no guarantee that a person has the ability to do so.

We believe these are issues best addressed by the Law Enforcement Standards Board which is why we require the Board to evaluate the testing and to recommend whether additional testing is needed.

While this bill won't prevent every tragedy in the future, I believe it will prevent others from happening and that its passage will help us better protect our communities and our law enforcement officers.

Thank you.



**ANN HRAYCHUCK**  
**STATE REPRESENTATIVE**

February 27, 2008

**Testimony of Rep. Ann Hraychuck**  
**Before the Senate Committee on Labor, Elections and Urban Affairs**  
**Senate Bill 462 – Psychological Evaluations for Law Enforcement Officers**

Good afternoon, Chairman Coggs and committee members. I appreciate the opportunity to provide you with information about Senate Bill 462.

Senate Bill 462 requires that a candidate for a full-time law enforcement position must complete a psychological evaluation prior to being hired, and directs the Law Enforcement Standards Board to determine the content of the evaluation. This 15-member board is appointed by the Governor and is charged with the responsibility to set the minimum qualification standards for law enforcement officers in Wisconsin. Attached to my written testimony is more detailed information about the membership and duties of the Law Enforcement Standards Board. The Department of Justice recommended that the Board be given the responsibility of implementing this legislation.

In addition, this bill requires the Board to submit a report to the legislature that evaluates the effectiveness of the psychological evaluation requirement, and also makes a recommendation as to whether psychological evaluations should be required for part-time officers and officers assigned to special weapons or tactical units.

Per my conversation with the Department of Justice, I am amending the bill to extend the implementation timeline from January 1<sup>st</sup>, 2009 to July 1<sup>st</sup>, 2009, and give the Board until July 1<sup>st</sup>, 2011 to submit their report to the legislature. The second amendment clarifies that each time a law enforcement officer is hired by a different department or agency, a psychological evaluation must be completed. And finally the third amendment clarifies that Department of Natural Resources rangers who are authorized to carry weapons are also included in the scope of this bill. Conservation wardens were included in the original draft of the legislation.

Current law requires that to be hired as a law enforcement officer in our state the applicant shall be free from any physical, emotional or mental conditions which might adversely affect the performance of their duties. How does an administrator quantify that a candidate is free from emotional or mental conditions without the evaluation of a licensed professional? We require applicants to be examined by a physician to determine physical fitness, but we do not require a psychological evaluation. The rules for training and standards for law enforcement officers have not been changed since 1993. This legislation would fill this void and give law enforcement administrators another tool to assist in the hiring process.

I have attached information from a survey conducted of sheriffs across the state. Based on the results received by my office, at least 60 percent of counties already require psychological evaluations prior to being hired by the sheriff's department. I requested similar information from the Wisconsin Chiefs of Police Association, but have not received any information from them at this time. However, I do know that the City of Milwaukee started including psychological evaluations as a part of their hiring process a few years ago.

Throughout my 32-year law enforcement career, and particularly as Polk County Sheriff, I have strongly believed that the wisest investment of taxpayers' dollars was spending time and resources on hiring and retaining the right people. Psychological evaluations should be a part of a department or agency's approach to risk management. This legislation is the result of months of discussion with the Department of Justice, law enforcement groups from around the state and nation, the Department of Natural Resources, and the families of the victims of the Crandon shootings.

Thank you for your consideration. I would be happy to answer any questions that you may have.

**Law Enforcement Standards Board****Aligned To:** Department of Justice**Senate Confirmed:** No**Term:** 4 years**Web Site:** None**Past Expirations:** None**Vacancies:** Law Enforcement Official**May 2007 Expirations:** Law Enforcement Official - Two Seats, Local Government Representative**Upcoming July 2007 Expirations:** None

**Details:** The 15-member Law Enforcement Standards Board sets minimum employment, education, and training standards for law enforcement, tribal law enforcement, and jail and security detention officers. It certifies persons who meet the standards as qualified to be officers. The board consults with other government agencies regarding the development of training schools and courses, conducts research to improve law enforcement and jail administration and performance, and evaluates governmental units' compliance with standards.

The board shall be composed of 15 members as follows: 1. Six representatives of local law enforcement in this state at least one of whom shall be a sheriff and at least one of whom shall be a chief of police. 2. One district attorney holding office in this state. 3. Two representatives of local government in this state who occupy executive or legislative posts. 4. One public member, not employed in law enforcement, who is a citizen of this state. 5. The secretary of transportation or the secretary's designee. 6. The attorney general or a member of the attorney general's staff designated by the attorney general. 7. The executive staff director of the office of justice assistance in the department of administration. 8. The secretary of natural resources or the secretary's designee. 9. The special agent in charge of the Milwaukee office of the federal bureau of investigation, or a member of the special agent's staff designated by the special agent, who shall act in an advisory capacity but shall have no vote. (b) The members of the board under par. (a) 1. to 4. shall be appointed for staggered 4-year terms, but no member shall serve beyond the time when the member ceases to hold the office or employment by reason of which the member was initially eligible for appointment. (c) Notwithstanding the provisions of any statute, ordinance, local law or charter provision, membership on the board does not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.



The following questions were sent out on the Badger State Sheriffs Association listserve, and within two days over 30 sheriffs responded. Follow-up calls were made, and a total of 45 sheriffs responded. Attached are the results.

- 1) Does your agency currently require new hires to do psychological evaluations?
- 2) Does your agency require any additional psychological evaluations after hire, like before being assigned to a special assignment?
- 3) Should employees who leave one agency be required to re-test before going to work for another agency?

County	EVALS	ADD'L EVALS POST-HIRE	RE-TEST FOR AGENCY CHANGE
Adams	Yes	No (unless involved in shooting)	N/A
Ashland	Yes	No	Yes
Bayfield	Yes	No	Yes
Brown	Yes	No	Yes
Burnett	Yes	No	No
Calumet	Yes	No	Yes
Chippewa	Yes	N/A	N/A
Clark	Yes	No	No
Columbia	Yes	N/A	N/A
Dane	Yes	No	Yes
Dodge	Yes	No	No
Door County	Yes	Maybe, for promotions/transfers	Yes
Douglas	Yes	Yes, If Necessary	Yes
Eau Claire	Yes	No	Yes
Grant	Yes	No	Yes
Iowa	Yes	No	Yes
Jackson	Yes	No	Left to discretion of agency
Juneau	No	No	Yes
Kenosha	Yes	No	Yes
Kewaunee	Yes	No	Yes
Langlade	Yes	No	Yes
Lincoln	Yes	No	Yes
Marinette	Yes	N/A	N/A
Milwaukee	Yes	N/A	N/A
Oconto	Yes	no	Yes
Oneida	Yes	No	Yes
Ozaukee	Yes	No	Maybe
Pierce	Yes	N/A	N/A
Polk	Yes	No	Yes
Portage	Yes	No	Yes
Price	Yes	No	Yes
Racine	Yes	No	Yes
Richland	N/A	N/A	No
Rock	yes	Yes, If Necessary	yes
Sauk	yes	Yes, If Necessary	yes
Sawyer	yes	no	yes
Shawano	yes	no	yes
Sheboygan	yes	no	yes
St.Croix	no	no	no
Taylor	Yes	no	yes
Trempealeau	yes	no	no
Walworth	yes	no	yes
Washburn	No	No	No
Waupaca	yes	no	yes
Waushara	yes	no	yes



**Written Testimony of Representative Garey Bies  
Senate Committee on Labor, Elections and Urban Affairs  
Senate Bill 462 – Psychiatric Evaluations for Law Enforcement**

Good morning fellow committee members, I will speak just briefly on Senate Bill 462.

As many of you know, I come from serving 30 years in the Door County Sheriff's Department. Twenty years ago, our Department began utilizing psychiatric evaluations for our new officers. I speak with first-hand experience as to the value of psychiatric evaluations for new hires. Our Department found the psychiatric evaluations very useful as another tool to make sure our new deputies were fully capable of handling the responsibilities and stresses of being law enforcement officers. It was our Department's position that these psychiatric assessments were critical before we hired a new deputy, gave them a gun and put them behind the wheel of a squad car.

When Rep. Hraychuck and I began working on this legislation, I was surprised by how many departments throughout the state *did not* utilize psychiatric evaluations. Being from a small department in Northeast Wisconsin, I assumed that if we used the evaluations that most departments throughout the state did as well. I believe these evaluations are an important tool, and while it is unfortunate that such a tragic event brought this issue to light, I think it is important that we take this opportunity to make a change and move this legislation forward.

Thank you again for the opportunity to speak in support of Senate Bill 462 and I would be happy to answer any questions that you may have.

*First for Wisconsin!*

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February 27, 2008

Submitted testimony relating to SB 462

Senate Committee on Labor, Elections, and Urban Affairs

Dear Chairman Coggs and committee members,

Thank you for the opportunity to submit testimony on SB 462, legislation relating to psychological evaluations of law enforcement officers.

While we support this concept in general, we oppose this version of the bill for the following reasons. First, we believe that the legislation should be drafted to include part-time officers. Our understanding is that the shooter in Crandon was a part-time officer and as we have officers on our force who work part-time for the Patrol and part-time for another agency we feel it is incredibly important that they also be subject to the testing requirements.

We also have significant concerns about the source of funding for the proposed testing. The Department of Justice currently does not have the resources necessary to fund this costly program and it will become another unfunded mandate.

Finally, we would like to be provided with assurance that the required evaluations would be performed by qualified organizations, not just those who provide the cheapest bid. In addition, we believe this bill should address standard procedures for dealing with officers who fail these exams.

Thank you for your consideration.